

## INCOMING TELEGRAM

## Department of State

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FROM: BERLIN

TO: Secretary of State

NO: 857, APRIL 9, 6 PM

Control: 6177

Rec'd: APRIL 9, 1959  
5:17 PM

SENT BONN 766; DEPARTMENT 857, REPEATED INFORMATION MOSCOW 268, LONDON 177, PARIS 216, CINCUSAFE 47 POLAD USAREUR 246.

PARIS FOR EMBASSY, USRO, CINCEUR THURSTON AND WEST

REFERENCE: DEPARTMENT'S 1623 TO MOSCOW

(1) WE BELIEVE MAIN EMPHASIS OF AMERICAN REPLY TO SOVIET NOTE SHOULD BE ON AMERICAN RIGHT TO FLY AT ANY ALTITUDE IN AIR CORRIDORS. BELIEVE DENIAL OF SOVIET SUGGESTION THAT UNITED STATES IS SEEKING TO HINDER HOLDING FOREIGN MINISTERS' CONFERENCE SHOULD BE MOVED FROM OPENING PARAGRAPHS TO SUBSEQUENT PART OF MESSAGE.

(2) TO AVOID POSSIBLE INFERENCE THAT THERE IS ONLY ONE AIR CORRIDOR, SUGGEST THAT IN FIRST PARAGRAPH "BERLIN" BE REPLACED BY "FRANKFURT-BERLIN."

(3) AS SOVIETS HAVE LONG ATTEMPTED TO DISTINGUISH BETWEEN TRANSPORT AND COMBAT AIRCRAFT, CLAIMING LATTER CANNOT BE FLOWN IN CORRIDORS, SUGGEST "TRANSPORT" BE DELETED FROM SECOND PARAGRAPH AS UNNECESSARY.

(4) IN PARAGRAPH BEGINNING "THE FLIGHT BY SOVIET AIRCRAFT" TERM "CORRIDOR REGULATIONS" SHOULD BE REPLACED BY "THE FLIGHT REGULATIONS THAT OBTAIN IN THE AIR CORRIDORS AND THE BERLIN CONTROL ZONE." STRICTLY SPEAKING, TEMPELHOF LANDING PATTERN, INTO WHICH SOVIET FIGHTERS ACCOMPANIED C-130 AND WHERE MOST OBSERVERS SAW MIGS ON ITS WINGTIP, IS NOT IN CORRIDOR. ALSO IN THIS PARAGRAPH, SUGGEST "IN THE BERLIN AIR SAFETY CENTER" BE DELETED AS UNNECESSARY.

(5) MISSION HAS RECEIVED MANY INQUIRIES ON PRECISE FUNCTION

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FUNCTION PERFORMED BY SOVIET CONTROLLER BASC AFTER FLIGHT PLAN HAS BEEN PASSED TO HIM BY WESTERN CONTROLLER. DEPT MAY WISH TO USE THIS NOTE, WHICH WE ASUME WILL BE PUBLISHED, AS VEHICLE FOR CLARIFYING FACT SOV CONTROLLER'S FUNCTION IS NOT TO GRANT PERMISSION FOR FLIGHT. SENTENCE BEGINNING WITH "AS STATED IN JUNE 6" MIGHT BE EXPANDED BY INSERTING AFTER WORDS "BERLIN AIR SAFETY CENTER" WORDS FROM JUNE 6 LETTER, "FLIGHTS BY AIRCRAFT OF THE UNITED STATES DO NOT REQUIRE ANY PRIOR AGREEMENT FROM THE SOVIET ELEMENT, AND THE UNITED STATES NEVER HAS AND DOES NOT RECOGNIZE ANY LIMITATION", ETC.

(6) REFERENCE TO ONE-HOUR NOTICE GIVEN IN C-130 CASE MAKES PLAIN THAT SOVIETS HAD AMPLE TIME TO ARRANGE TO CLEAR C-130'S FLIGHT ALTITUDE. DEPARTMENT MAY, HOWEVER, WISH CONSIDER POSSIBILITY SOVIETS MAY SIEZE ON THIS POINT AND DEMAND SUCH NOTICE ALL FUTURE FLIGHTS. ALTHOUGH ADVANCE NOTICE IS GIVEN, OUR RIGHT FLY IN CORRIDORS IS ABSOLUTE, NOT DEPENDENT ON GIVING PREVIOUS NOTICE, CONTROL COUNCIL MINUTE (45)13 DATED 30 NOVEMBER 1945.

SUGGEST NUMBERING PARAGRAPHS FOR EASY REFERENCE FUTURE MESSAGES THIS SUBJECT.

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